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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/554,031

Applicant(s)

STEVENSON, DAVID WATT

Examiner

ECE HUR

Art Unit

2175

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 73-100 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 73-100 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 20 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

This action is responsive to Response/Arguments filed on April 16, 2008. Claims 1-72 are cancelled. Claims 73-100 are pending in the case.

Status of Claims

Claims 1-72 are cancelled in the case.

Claims 73-100 are pending in the case. Claims 73, 78, 83, 87, 91 and 96 are the independent Claims.

Claims 78-82, 87, 88 and 96-100 are rejected under 35 U.S.C. 101.

Claims 73-100 are rejected under 35 U.S.C. 102(e).

Response to Arguments

Applicant's arguments filed April 16, 2008 have been fully considered but they are not persuasive. See rejection details. Applicant argued:

1) Regarding Claims 50-63 rejection under 35 U.S.C. 112, second paragraph, applicant cancelled the Claims.

2) Applicant has remarks about the new Claims 73-100. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Specification Objection

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objection

Regarding Claims 89 and 90, Claims are objected to because, they depend on Claim 87 which is a system Claim, and however, Claims 89 and 90 refer to Claim 87 as method. If Claims 89 and 90 refer to the system Claim 87, then both Claims 89 and 90 will also be rejected under 35 U.S.C. 101.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 78-82, 87, 88 and 96-100 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically directed towards Software program and functional descriptive material per se.

Regarding Claims 78-82, 87, 88 and 96-100, Claims are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter and claiming "Software" per se. Software is functional descriptive material that can be considered statutory only if it is both functional and clearly embodied on a computer readable medium and designed to support specific data manipulation function. When functional descriptive material is recorded on a computer-readable medium it will become structurally and functionally interrelated the medium and will be statutory in most cases since the use of technology permits the function of the descriptive material to be realized. See *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031, 1035 (Fed. Cir 1994) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQd at 1759. A Software structure is functional if the specific arrangement of data enables a computer to accomplish useful result arising from the arrangement of the data in the software. However, only computer readable medium executed instruction by a processor could be statutory, it is not clearly defined as being embodied in a computer readable medium as executed instruction and is therefore not statutory. See *Warmerdam*, 33 F.3d at 1360, 31 USPQ2d at 1759.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 73-100 are rejected under 35 U.S.C. 102(e) as being anticipated by Banerjee et al., US 6,983,273.

Regarding Claim 73, Banerjee discloses the claimed aspect of a method for identifying a measure of similarity between activities of a plurality of parties using groups of information associated with, and representative of those parties on the world wide web or in other information stores, without requiring a user to enter a keyword search or provide other advance knowledge of a subject of the information groups, the method comprising in FIG. 7 and FIG. 8, wherein a results page shown on a portion of a computer display (79), in which a search for sites regarding child health care was performed and five results items or "hits" (71- 75) are given, each with a short summary or the first few words for the linked site page, a relevance score, and a URL. As per typical search engine results, these results are sorted by degree of relevance. (Banerjee, Column 9, lines 24-30).

Banerjee discloses the claimed aspect of analyzing groups of information on the world wide web or other information stores which are representative of the activities of each party, wherein a web site is added to the engine's categories and keyword lists as suggested and as determined by analysis of the content of the submitted

web site (e.g. word frequency analysis, hyper text header tags, etc.) and measure of important is determined by word frequency analysis or hyper text header tags analysis. (Banerjee, Column 1, lines 53-57).

Banerjee discloses the claimed aspect of deriving a content profile for the information group of each party without prior knowledge of the content of the information group, and comparing the profiles to identify a degree of similarity between parties in FIG. 7 and FIG. 8, wherein a relevance percentage is determined based on counting the number of keywords common to each hit list.

For Additionally information, also Dedhia, in US 20030212669 (included previously in 892) discloses the claimed aspect of comparing comprises counting the number of topics common to the profiles of each party in FIG. 6, wherein all of the filtered relevant product catalog descriptions are ranked based on the frequency and importance of these terms with respect to its category (6.3). Applicant should duly note in such a ranking system counting is used to determine the frequency.

Regarding Claim 74, most of the limitations have been met in the rejection of claim 73. See details for Claim 73 rejection. Banerjee discloses the claimed aspect of analyzing comprises; calculating a frequency of occurrence of word and phrase topics in the group, wherein allocating a measure of importance to each topic in the group which is proportional to the topic frequency of occurrence in the group, wherein a web site is added to the engine's categories and keyword lists as

suggested and as determined by analysis of the content of the submitted web site (e.g. word frequency analysis, hyper text header tags, etc.) and measure of important is determined by word frequency analysis or hyper text header tags analysis. (Banerjee, Column 1, lines 53-57).

Furthermore, important keywords determination is based on word frequency (Banerjee, Column 1, lines 53-57) and in FIG.4, the process (40) of associating characteristic factors with linked sites is presented. When a search engine receives (41) an initial submission for indexing content from a linked site (or upon re-indexing of a previously indexed linked site), the actual content of the linked site is analyzed (42) by retrieving one or more pages and web objects from the linked site server (36). Well-known processes such as word statistical analysis can be used to determine the keywords to be indexed to the site. (Banerjee, Column 8, lines 1-8). Furthermore, in FIG. 5, the logical process (50) during operation in cooperation with a search process is shown. When a set of search criteria is received (51) from a client computer (32) such as a set of keywords, phrases, or QBE example, the search engines general index (34) is searched (52). The ratings index (34') is accessed for each results item (e.g. for each "hit"), and a results page is created with the summaries and one or more associated characteristics icons or symbols for each result item. Applicant should duly note that the unrelated topics are not shown as hits.

Banerjee discloses the claimed aspect of comparing comprises: using the measure to generate a topic profile for each group that includes a plurality of topic

identifiers and an indication of the importance of each of the topics identified to the group; defining a list of related words which are related to the subject of the group without requiring advance knowledge of the subject of the group, in FIG. 7 and FIG. 8, wherein a relevance percentage is determined based on counting the number of keywords common to each hit list and comparison. Furthermore, also Dedhia, in US 20030212669 discloses the claimed aspect of comparing comprises counting the number of topics common to the profiles of each party in FIG. 6, wherein all of the filtered relevant product catalog descriptions are ranked based on the frequency and importance of these terms with respect to its category (6.3). Applicant should duly note in such a ranking system counting is used to determine the frequency.

Banerjee discloses the claimed aspect of discarding topics in the topic profile which do not appear in the list of related words; and comparing the topic profiles to derive a measure of similarity between groups, wherein important keywords determination is based on word frequency (Banerjee, Column 1, lines 53-57) and in FIG.4, the process (40) of associating characteristic factors with linked sites is presented. When a search engine receives (41) an initial submission for indexing content from a linked site (or upon re-indexing of a previously indexed linked site), the actual content of the linked site is analyzed (42) by retrieving one or more pages and web objects from the linked site server (36). Well-known processes such as word statistical analysis can be used to determine the keywords to be indexed to the site. (Banerjee, Column 8, lines 1-8). Furthermore, in FIG. 5, the logical process (50) during operation in cooperation with a search process is shown. When a set of

search criteria is received (51) from a client computer (32) such as a set of keywords, phrases, or QBE example, the search engines general index (34) is searched (52). The ratings index (34') is accessed for each results item (e.g. for each "hit"), and a results page is created with the summaries and one or more associated characteristics icons or symbols for each result item. Applicant should duly note that the unrelated topics are not shown as hits.

Regarding Claim 75, most of the limitations have been met in the rejection of claim 74. See details for Claim 74 rejection. Banerjee discloses the claimed aspect of determining the list of related words utilizes a thesaurus(association with predefined symbols, Abstract) to provide a plurality of related word lists, wherein a web site is added to the engine's categories and keyword lists as suggested and as determined by analysis of the content of the submitted web site (e.g. word frequency analysis, hyper text header tags, etc.) and measure of important is determined by word frequency analysis or hyper text header tags analysis. (Banerjee, Column 1, lines 53-57).

Banerjee discloses the claimed aspect of each list related to a single topic in the topic profile, and aggregates the lists to form a final list of related words for use in discarding topics in the topic profile in FIG.4, the process (40) of associating characteristic factors with linked sites is presented. When a search engine receives (41) an initial submission for indexing content from a linked site (or upon re-indexing of a previously indexed linked site), the actual content of the linked site is analyzed (42) by retrieving one or more pages and web objects from the linked site server (36). Well-

known processes such as word statistical analysis can be used to determine the keywords to be indexed to the site. (Banerjee, Column 8, lines 1-8). Furthermore, in FIG. 5, the logical process (50) during operation in cooperation with a search process is shown. When a set of search criteria is received (51) from a client computer (32) such as a set of keywords, phrases, or QBE example, the search engines general index (34) is searched (52). The ratings index (34') is accessed for each results item (e.g. for each "hit"), and a results page is created with the summaries and one or more associated characteristics icons or symbols for each result item. Applicant should duly note that the unrelated topics are not shown as hits.

Regarding Claim 76, most of the limitations have been met in the rejection of claim 74. See details for Claim 74 rejection. The rejection for Claim 74 applies to Claim 76. See for details Claim 74.

Regarding Claim 77, most of the limitations have been met in the rejection of claim 73. See details for Claim 73 rejection. The rejection for Claim 74 applies to Claim 76. See for details Claim 74. Banerjee discloses the claimed aspect of group of electronic document text comprises pages of a web site in FIG. 7 and FIG. 8, wherein a listing of web sites are illustrated.

Banerjee discloses the claimed aspect of downloading each page of the site in order to do the step of analyzing in FIG.4, wherein when a search engine receives (41) an initial submission for indexing content from a linked site (or upon re-indexing of a

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previously indexed linked site), the actual content of the linked site is analyzed (42) by retrieving one or more pages and web objects from the linked site server (36). Well-known processes such as word statistical analysis can be used to determine the keywords to be indexed to the site. Keyword lists may be used to categorize the content of the site. (Banerjee, Column 8, lines 3-10).

Regarding Claim 78, the rejection for Claim 73 applies for Claim 78. See rejection details for Claim 73.

Regarding Claim 79, most of the limitations have been met in the rejection of claim 78. See details for Claim 78 rejection. The rejection for Claim 74 applies to Claim 79. See rejection details for Claim 74.

Regarding Claim 80, most of the limitations have been met in the rejection of claim 79. See details for Claim 79 rejection. The rejection for Claim 75 applies to Claim 80. See rejection details for Claim 75.

Regarding Claim 81, most of the limitations have been met in the rejection of claim 78. See details for Claim 78 rejection. The rejection for Claim 76 applies to Claim 81. See rejection details for Claim 76.

Regarding Claim 82, most of the limitations have been met in the rejection of claim 78. See details for Claim 78 rejection. The rejection for Claim 77 applies to Claim 82. See rejection details for Claim 77.

Regarding Claim 83, the rejection for Claim 74 applies to Claim 83. See rejection details for Claim 74.

Regarding Claim 84, most of the limitations have been met in the rejection of claim 83. See details for Claim 83 rejection. The rejection for Claim 75 applies to Claim 84. See rejection details for Claim 75.

Regarding Claim 85, most of the limitations have been met in the rejection of claim 83. See details for Claim 83 rejection. The rejection for Claim 76 applies to Claim 85. See rejection details for Claim 76.

Regarding Claim 86, most of the limitations have been met in the rejection of claim 83. See details for Claim 83 rejection. The rejection for Claim 77 applies to Claim 86. See rejection details for Claim 77.

Regarding Claim 87, the rejection for Claim 74 applies to Claim 87. See rejection details for Claim 87.

Regarding Claim 88, most of the limitations have been met in the rejection of claim 87. See details for Claim 87 rejection. The rejection for Claim 75 applies to Claim 88. See rejection details for Claim 75.

Regarding Claim 89, most of the limitations have been met in the rejection of claim 87. See details for Claim 87 rejection. The rejection for Claim 76 applies to Claim 89. See rejection details for Claim 76.

Regarding Claim 90, most of the limitations have been met in the rejection of claim 87. See details for Claim 87 rejection. The rejection for Claim 77 applies to Claim 90. See rejection details for Claim 77.

Regarding Claim 91, the rejection for Claim 73 applies to Claim 91. See rejection details for Claim 73.

Regarding Claim 92, most of the limitations have been met in the rejection of claim 91. See details for Claim 91 rejection. The rejection for Claim 74 applies to Claim 92. See rejection details for Claim 74.

Regarding Claim 93, most of the limitations have been met in the rejection of claim 92. See details for Claim 92 rejection. The rejection for Claim 75 applies to Claim 93. See rejection details for Claim 75.

Regarding Claim 94, most of the limitations have been met in the rejection of claim 91. See details for Claim 91 rejection. The rejection for Claim 76 applies to Claim 94. See rejection details for Claim 76.

Regarding Claim 95, most of the limitations have been met in the rejection of claim 91. See details for Claim 91 rejection. The rejection for Claim 77 applies to Claim 95. See rejection details for Claim 77.

Regarding Claim 96, the rejection for Claim 73 applies to Claim 96. See rejection details for Claim 73.

Regarding Claim 97, most of the limitations have been met in the rejection of claim 96. See details for Claim 96 rejection. The rejection for Claim 74 applies to Claim 97. See rejection details for Claim 74.

Regarding Claim 98, most of the limitations have been met in the rejection of claim 96. See details for Claim 96 rejection. The rejection for Claim 75 applies to Claim 98. See rejection details for Claim 75.

Regarding Claim 99, most of the limitations have been met in the rejection of claim 96. See details for Claim 96 rejection. The rejection for Claim 76 applies to Claim 99. See rejection details for Claim 76.

Regarding Claim 100, most of the limitations have been met in the rejection of claim 96. See details for Claim 96 rejection. The rejection for Claim 77 applies to Claim 100. See rejection details for Claim 77.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ECE HUR whose telephone number is (571) 270-1972. The examiner can normally be reached on Mon-Thurs 7:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM BASHORE can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 17, 2008

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Primary Examiner, Art Unit 2175